"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."



पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 17] रायपुर, शुक्रवार, दिनांक 25 अप्रैल 2014—वैशाख 5, शक 1936

विषय—सूची

भाग १

राज्य शासन के आदेश

सामान्य प्रशासन विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 4 अप्रैल 2014

क्रमांक ई-1-04/2014/एक/2.—राज्य शासन द्वारा श्री नवलसिंह मण्डावी, भा.प्र.से. (सी.जी. : 2000), कलेक्टर, धमतरी को अस्थाई रूप से आगामी आदेश पर्यन्त संयुक्त सचिव, छत्तीसगढ़ शासन, के पद पर पदस्थ किया जाता है.

2. श्री भीमसिंह, भा.प्र.से. (सी.जी. : 2008), मुख्य कार्यपालन अधिकारी, जिला पंचायत, कांकेर को अस्थाई रूप से आगामी आदेश पर्यन्त कलेक्टर, धमतरी के पद पर पदस्थ किया जाता है.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2014.

नया रायपुर, दिनांक 5 अप्रैल 2014

क्रमांक ई-1-04/2014/एक/2.—राज्य शासन द्वारा सुश्री रीना बाबा साहेब कंगाले, भा.प्र.से. (सी.जी. : 2003), मिशन संचालक, सर्व शिक्षा अभियान एवं प्रबंध संचालक, राष्ट्रीय माध्यमिक शिक्षा मिशन तथा संचालक, लोक शिक्षण संचालनालय को अस्थाई रूप से आगामी आदेश पर्यन्त कलेक्टर कोरबा के पद पर पदस्थ किया जाता है.

2. श्री रजत कुमार, भा.प्र.से. (सी.जी. : 2005), कलेक्टर, कोरबा को अस्थाई रूप से आगामी आदेश पर्यन्त मिशन संचालक, सर्व शिक्षा अभियान के पद पर पदस्थ करते हुए उन्हें प्रबंध संचालक, राष्ट्रीय माध्यमिक शिक्षा मिशन, तथा संचालक, लोक शिक्षण संचालनालय का अतिरिक्त प्रभार सौंपा जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
विवेक ढॉड, मुख्य सचिव.

नया रायपुर, दिनांक 4 अप्रैल 2014

क्रमांक एफ-7/11/2014/एक-14/भापुसे.—श्री हिमांशु गुप्ता, भापुसे, संचालक तकनीकी शिक्षा संचालनालय, रायपुर छ.ग. को दिनांक 26-05-2014 से दिनांक 07-06-2014 तक (13 दिवस) अर्जित अवकाश की स्वीकृति प्रदान की जाती है, साथ ही 25-05-2014 एवं 08-06-2014 के शासकीय अवकाश जोड़ने तथा उक्त अर्जित अवकाश में भारत सरकार, कर्मिक एवं प्रशिक्षण विभाग के परिपत्र क्रमांक 11019/06/2001-AIS-III दिनांक 05-12-2007 में निहित शर्तों के अनुसार स्वयं के व्यय पर 4-6 दिवस दुबई विदेश प्रवास की अनुमति दी जाती है.

2. अवकाश काल में श्री हिमांशु गुप्ता को अवकाश वेतन भत्ते एवं अन्य भत्ते उसी प्रकार देय होंगे, जो उन्हें अवकाश पर जाने से पूर्व मिलते थे.

3. यह प्रमाणित किया जाता है कि श्री हिमांशु गुप्ता अवकाश पर नहीं जाते तो अपने पद पर कार्य करते रहते.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
बी. एल. सोनी, अवर सचिव.

श्रम विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 31 मार्च 2014

क्रमांक एफ 3-1/2014/16.—"भवन एवं अन्य सन्निर्माण कर्मकार (नियोजन तथा सेवा-शर्त विनियमन) अधिनियम, 1996" सहपठित "छत्तीसगढ़ भवन एवं अन्य सन्निर्माण कर्मकार (नियोजन तथा सेवा-शर्तों का विनियमन) नियम 2008" के नियम 277 तथा 279 में दी गई शक्तियों का प्रयोग करते हुए राज्य शासन एतद्द्वारा पंजीकृत निर्माण मजदूर यदि अंतर्राज्यीय प्रवासी कर्मकार (नि. एवं श.) अधिनियम 1979 के तहत् नियमानुसार पंजीकृत ठेकेदार के माध्यम से रोजगार के लिए अन्य प्रान्तों में प्रवास करता है, तो प्रवास के दौरान, छत्तीसगढ़ शासन, श्रम विभाग के वेबसाईट (cglabour.gov.in) में ऑन-लाईन आवेदन प्रस्तुत करने पर सीधे छत्तीसगढ़ भवन एवं अन्य संनिर्माण कर्मकार कल्याण मंडल की योजनाओं का लाभ प्राप्त करने हेतु पात्र होगा.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
जी. आर. मालवीय, उप-सचिव.

राजस्व विभाग
कार्यालय, कलेक्टर, जिला दुर्ग, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन राजस्व विभाग

दुर्ग, दिनांक 24 मार्च 2014

क्रमांक 457/प्र.क्र. 2 अ-82/2012-13.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-दुर्ग
- (ख) तहसील-पाटन
- (ग) नगर/ग्राम-नवागांव
- (घ) लगभग क्षेत्रफल-0.18 हेक्टेयर

	खसरा नम्बर (1)	रकबा (हेक्टेयर में) (2)
	1140	0.02
	1141	0.02
	1142	0.05
	1143	0.09
योग	4	0.18

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-बेलौदी, सोरम, धुमा, नवागांव पहुंच मार्ग हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी एवं भू-अर्जन अधिकारी, पाटन के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
ब्रजेश चन्द्र मिश्र, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला बलौदाबाजार-भाटापारा, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व विभाग

बलौदाबाजार-भाटापारा, दिनांक 24 फरवरी 2014

भू-अर्जन प्रकरण क्र. 03 अ/82 वर्ष 2012-13.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बलौदाबाजार-भाटापारा
- (ख) तहसील-बलौदाबाजार
- (ग) नगर/ग्राम-परसाभदेर, प.ह.नं. 10
- (घ) लगभग क्षेत्रफल-6.421 हेक्टेयर

खसरा नम्बर (1)	रकबा (हेक्टेयर में) (2)
56/1	0.704
62	0.016
66	0.020
79	0.194
74	0.191
75/1	0.057
100, 101	0.137
232	0.057
231	0.154
226	0.036
353, 356	0.016
392	0.020
394/7	0.231
432/2	0.101
431	0.081
396	0.041
439/1क	0.061
439/2क	0.041
439/2ख	0.069
455/2	0.056
504	0.065
491/50	0.154

(1)	(2)
608	0.041
614	0.077
56/3	0.109
64	0.113
70/1ख	0.259
70/1ग, 70/2ख, 71, 72, 75/2	0.511
357/1-4	0.206
233	0.057
225	0.077
227	0.049
393	0.109
394/4	0.153
426	0.109
427	0.041
437/1	0.016
430/3	0.041
441/1	0.116
439/1घ	0.101
455/1	0.056
503	0.089
491/51	0.041
606/2	0.105
607	0.113
604/4	0.041
604/2	0.145
604/3	0.041
602/1-2-3	0.041
491/42, 491/43	0.247
491/44, 491/45	0.065
603/1	0.041
603/2	0.365
491/36, 491/37	0.259
491/48, 491/49	0.085
योग 56	6.421

(2) सार्वजनिक प्रयोजन जिसके लिए भूमि की आवश्यकता है- बलौदाबाजार बाईपास मार्ग निर्माण हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण भू-अर्जन अधिकारी, बलौदाबाजार के कार्यालय में किया जा सकता है.

बलौदाबाजार-भाटापारा, दिनांक 24 फरवरी 2014

भू-अर्जन प्रकरण क्र. 05 अ/82 वर्ष 2012-13.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बलौदाबाजार-भाटापारा
- (ख) तहसील-बलौदाबाजार
- (ग) नगर/ग्राम-गोड़खपरी, प.ह.नं. 15
- (घ) लगभग क्षेत्रफल-1.363 हेक्टेयर

खसरा नम्बर (1)	रकबा (हेक्टेयर में) (2)
2/17	0.085
2/7	0.061
2/8	0.061
2/11	0.124
5/3	0.048
6/3	0.190
6/15	0.081
2/14	0.156
6/7	0.061
10/1, 37/3	0.041
10/2, 37/2	0.101
5/1	0.072
9/6	0.242
10/3, 10/4	0.040
योग 14	1.363

(2) सार्वजनिक प्रयोजन जिसके लिए भूमि की आवश्यकता है- बलौदाबाजार बाईपास मार्ग निर्माण हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण भू-अर्जन अधिकारी, बलौदाबाजार के कार्यालय में किया जा सकता है.

बलौदाबाजार-भाटापारा, दिनांक 24 फरवरी 2014

भू-अर्जन प्रकरण क्र. 08 अ/82 वर्ष 2012-13.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-बलौदाबाजार-भाटापारा
- (ख) तहसील-बलौदाबाजार
- (ग) नगर/ग्राम-संकरी, प.ह.नं. 16
- (घ) लगभग क्षेत्रफल-7.040 हेक्टेयर

	खसरा नम्बर	रकबा (हेक्टेयर में)
	(1)	(2)
	8	0.100
	25	0.200
	37	0.640
	51/1	0.230
	66	0.940
	247	0.160
	88	0.090
	90	0.090
	92	0.130
	158/1	0.500
	157	0.230
	154	0.100
	103	0.110
	105	0.150
	106	0.140
	111	0.190
	114	0.150
	151/2	0.020
	155	0.010
	36	0.020
	24/	0.170
	38	0.150
	52/2	0.280
	51/2	0.370
	252	0.230
	246	0.130
	89	0.180
	245	0.050
	242	0.280
	159	0.140
	156	0.130
	162	0.040
	104	0.160
	151/1	0.020
	112	0.130
	110	0.170
	107	0.020
	151/3	0.100
	34	0.030
	52/1	0.060
योग	40	7.040

(2) सार्वजनिक प्रयोजन जिसके लिए भूमि की आवश्यकता है- बलौदाबाजार बाईपास मार्ग निर्माण हेतु.

(3) भूमि का नक्शा (प्लान) का निरीक्षण भू-अर्जन अधिकारी, बलौदाबाजार के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश सुकुमार टोप्पो, कलेक्टर एवं पदेन उप-सचिव.

कार्यालय, कलेक्टर, जिला रायगढ़, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन राजस्व विभाग

रायगढ़, दिनांक 27 मार्च 2014

भू-अर्जन प्रकरण क्रमांक 27/अ-82/2012-13.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-रायगढ़
- (ख) तहसील-पुसौर
- (ग) नगर/ग्राम-बड़ेहल्दी
- (घ) लगभग क्षेत्रफल-0.222 हेक्टेयर

	खसरा नम्बर	रकबा (हेक्टेयर में)
	(1)	(2)
	652/2	0.020
	651/1	0.202
योग	2	0.222

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-केलो परियोजना के झारमुड़ा शाखा नहर के अन्तर्गत शारदा वितरक नहर के निर्माण हेतु भू-अर्जन.

(3) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी राजस्व, रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 27 मार्च 2014

भू-अर्जन प्रकरण क्रमांक 34/अ-82/2012-13.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-रायगढ़
- (ख) तहसील-पुसौर
- (ग) नगर/ग्राम-दांउभठली
- (घ) लगभग क्षेत्रफल-2.150 हेक्टेयर

	खसरा नम्बर	रकबा (हेक्टेयर में)
	(1)	(2)
	1	0.262
	43	0.233
	4/1	0.105
	5/3	0.004
	39/2	0.008
	5/2	0.061
	3/2	0.097
	4/2	0.069
	39/1	0.032
	10	0.113
	44	0.065
	42/2	0.024
	33	0.413
	42/3	0.121
	45	0.004
	41/1	0.036
	3/3	0.137
	5/1	0.032
	9/5	0.177
	41/2	0.157
योग	20	2.150

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-केलो परियोजना के झारमुड़ा शाखा नहर के अन्तर्गत शारदा वितरक नहर के निर्माण हेतु भू-अर्जन.

(3) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी राजस्व, रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 27 मार्च 2014

भू-अर्जन प्रकरण क्रमांक 41/अ-82/2012-13.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-रायगढ़
- (ख) तहसील-पुसौर
- (ग) नगर/ग्राम-औरदा
- (घ) लगभग क्षेत्रफल-3.803 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
913	0.020
916/1ख	0.020
923/1	0.020
912/2	0.332

(1)	(2)
1278	0.230
1281/2	0.008
501	0.073
225/3	0.036
492/2	0.016
508/2	0.053
629/2	0.081
498/1क	0.032
614/9	0.061
627/1	0.105
916/1क	0.097
923/2	0.077
929/1ख	0.117
930/4	0.004
1279	0.214
224	0.226
628	0.081
492/1	0.016
496/2	0.045
511	0.024
630/4	0.004
493/3	0.097
614/1	0.153
629/3	0.020
914	0.338
920/3	0.157
929/1च	0.053
929/1घ	0.004
1281/1	0.133
494	0.008
225/1	0.028
226/1	0.020
510	0.045
508/1ख	0.036
614/6	0.045
496/1	0.041
630/1	0.020
508/1क	0.036
915/2	0.004
925/3	0.016
912/1ख	0.020
1282/1	0.069
1280	0.226
498/2	0.028
225/2	0.065
227/2ख	0.012
506	0.004
507/1	0.041
498/1ख	0.032
496/3	0.036
629/1	0.024
योग 55	3.803

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-केलो परियोजना के झारमुड़ा शाखा नहर के अन्तर्गत शारदा वितरक नहर के निर्माण हेतु भू-अर्जन.

(3) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी राजस्व, रायगढ़ के कार्यालय में देखा जा सकता है.

रायगढ़, दिनांक 1 अप्रैल 2014

भू-अर्जन प्रकरण क्रमांक 36/अ-82/2012-13.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अत: भू-अर्जन अधिनियम, 1894 (क्रमांक 1 सन् 1894) की धारा 6 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

अनुसूची

(1) भूमि का वर्णन-
- (क) जिला-रायगढ़
- (ख) तहसील-पुसौर
- (ग) नगर/ग्राम-पुसौर
- (घ) लगभग क्षेत्रफल-0.944 हेक्टेयर

खसरा नम्बर (1)	रकबा (हेक्टेयर में) (2)
1831	0.045
1869/2	0.093
589/3	0.008
591/1	0.057
589/1	0.146
1864	0.016
1375/1	0.004
1376/1	0.008
591/2	0.073

(1)	(2)
1832/2	0.105
1375/2	0.028
1376/2	0.049
593	0.057
1868	0.041
1377/1	0.089
1376/3	0.109
1867	0.016
योग 17	0.944

(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-केलो परियोजना के तेलीपाली वितरक नहर के अन्तर्गत गुडू माइनर, पसौर माइनर-3 नहर के निर्माण हेतु भू-अर्जन.

(3) भूमि का नक्शा (प्लान) अनुविभागीय अधिकारी राजस्व, रायगढ़ के कार्यालय में देखा जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
मुकेश बंसल, कलेक्टर एवं पदेन उप-सचिव.

विभाग प्रमुखों के आदेश

कार्यालय, कलेक्टर (खनिज शाखा), जिला सरगुजा (छ.ग.)

सरगुजा, दिनांक 21 फरवरी 2014

क्रमांक/272/खजिन/ख.लि./उ.प./14.—जिला सरगुजा, तहसील लुण्ड्रा के ग्राम चंदेश्वरपुर खसरा क्रमांक 389 रकबा 0.405 हे. में श्री विक्रम सिंह निवासी धौरपुर को दिनांक 02-01-2009 से 01-01-2014 तक चूना पत्थर गौण खनिज का उत्खनन पट्टा स्वीकृत था. उक्त क्षेत्र में चूना पत्थर गौण खनिज उपलब्ध है जो अनुसूची "एक" के अनुक्रमांक 4 के अंतर्गत आता है.

पट्टेदार द्वारा उत्खनन पट्टा के कालावसान के पूर्व समय पर नवीनीकरण का आवेदन पत्र प्रस्तुत न करने के कारण उक्त क्षेत्र में उत्खनन पट्टा का नवीनीकरण नहीं किया गया है. छत्तीसगढ़ गौण खनिज नियम 1996 नियम 12 के तहत् उक्त क्षेत्र को उत्खनन पट्टा हेतु उपलब्ध घोषित करना आवश्यक है. तदनुसार उक्त क्षेत्र को उत्खननपट्टा हेतु उपलब्ध घोषित करने के लिए राजपत्र में अधिसूचना जारी करने का कष्ट करें.

क्षेत्र का विवरण निम्नानुसार है :—

क्र.	ग्राम व तहसील	खनिज का नाम	खसरा क्रमांक	रकबा (हे. में)	भूमि का प्रकार	अभियुक्ति
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	ग्राम चंदेश्वरपुर तह. लुण्ड्रा	चूना पत्थर	389	0.405	शासकीय भूमि	पट्टेदार द्वारा नवीनीकरण हेतु आवेदन पत्र प्रस्तुत नहीं करने के कारण क्षेत्र उपलब्ध हो गया है.

नियमानुसार राजपत्र में अधिसूचना प्रकाशन दिनांक से 30 दिवस के पश्चात् उक्त क्षेत्र उत्खननपट्टा हेतु उपलब्ध होगा.

निर्मल तिग्गा,
अपर कलेक्टर.

कार्यालय, सक्षम अधिकारी एवं अनुविभागीय अधिकारी (रा.), तहसील-डभरा, जिला-जांजगीर-चांपा (छ.ग.)

डभरा, दिनांक 20 दिसम्बर 2013

प्रारूप-घ
(नियम 6 देखिये)

क्रमांक 978.—राज्य सरकार ने छत्तीसगढ़ भूमिगत पाइप लाईन (भूमि के उपयोग के अधिकारों का अर्जन) अधिनियम, 2004 (क्रमांक 7 सन् 2004) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है.) की धारा 3 की उपधारा (1) के अधीन जारी की गई सक्षम प्राधिकारी एवं अनुविभागीय अधिकारी डभरा की अधिसूचना क्रमांक भाग-1/1008 दिनांक 31 मई 2013 द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में एन.टी.पी.सी. लारा परियोजना के लिये जल परिवहन द्वारा साराडीह बैराज से भूमिगत पाइप लाईन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के लिये अपने आशय की घोषणा की थी.

और उक्त अधिसूचना राजपत्र में दिनांक 31 मई 2013 को प्रकाशित की गई तथा कलेक्टर, सक्षम प्राधिकारी, तहसीलदार कार्यालय के नोटिस बोर्ड के साथ ग्राम पंचायत एवं संबंधित ग्राम के लोक समागम स्थल पर अधिसूचना प्रकाशित कर इसकी सूचना भूमिस्वामी/अधिभोगी को भी दी गई है और उन्हें अनुज्ञात कर दिया गया है.

और उक्त भूमिगत पाइप लाईन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुज्ञात कर दिया गया है.

अतएव अब सक्षम प्राधिकारी एतद्द्वारा उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइप लाईन बिछाने के लिये भूमि के उपयोग के अधिकार का अर्जन किया जाता है.

और एतद्द्वारा धारा 4 की उपधारा (2) द्वारा, इस घोषणा के प्रकाशन की तारीख से पाइप लाईन बिछाने के लिये भूमि में उपयोग का अधिकार सभी विल्लंगमों से मुक्त होकर राज्य सरकार में निहित होगी.

अनुसूची

जिला	तहसील	ग्राम/प.ह.नं.	खसरा नंबर	उपयोग के अधिकार के लिये अर्जित की जाने वाली भूमि (हे.)
(1)	(2)	(3)	(4)	(5)
जांजगीर-चांपा	डभरा	साराडीह/22	603/1, 2, 3	0.121
			606	0.030
			605/1, 2, 3, 4	0.020
			614/1, 2, 3	0.136
			616	0.136
			613	0.162
			612/1, 2, 3, 4	0.022
			610/1, 2, 3, 4, 5, 6	0.080
			611	0.160
			634/1, 2, 3, 4, 5, 6	0.202

(1)	(2)	(3)	(4)	(5)
			635/1, 2, 3, 4, 5, 6, 7	0.202
			636/1, 2, 3, 4	0.242
			638	0.160
			योग	**1.673**

के. के. शर्मा,
सक्षम अधिकारी एवं
अनुविभागीय अधिकारी (रा.).

कार्यालय मुख्य निर्वाचन पदाधिकारी, छत्तीसगढ़
शास्त्री चौक, पुराना मंत्रालय परिसर, रायपुर

रायपुर, दिनांक 1 मार्च 2014

क्र. 67/निर्वा. याचिका/03/2009-14/8323.— भारत निर्वाचन आयोग, नई दिल्ली का आदेश संख्या-82/छ.ग.वि.स./(9/2009)/2014/410, दिनांक 21 फरवरी, 2014 लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग एतद्द्वारा निर्वाचन अर्जी संख्या-9/2009 एवं 3/2009 में दिये गये उच्च न्यायालय छत्तीसगढ़, बिलासपुर के तारीख 21 जनवरी, 2014 के आदेश को राज्य के शासकीय राजपत्र में सर्व साधारण की जानकारी हेतु प्रकाशित की जाती है.

सुनील कुमार कुजूर,
मुख्य निर्वाचन पदाधिकारी.

भारत निर्वाचन आयोग
निर्वाचन सदन, अशोक रोड, नई दिल्ली 110001

नई दिल्ली, तारीख 20 फरवरी, 2014—1 फाल्गुन, 1935 (शक)

सं. 82/छ.ग.-वि.स./(9/2009)/2014.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग एतद्द्वारा निर्वाचन अर्जी सं. 9/2009 एवं 3/2009 में दिये गये उच्च न्यायालय, छत्तीसगढ़, बिलासपुर के तारीख 21 जनवरी, 2014 के आदेश को प्रकाशित करता है.

आदेश से,

हस्ता./-
(आर. के. श्रीवास्तव)
प्रधान सचिव,
भारत निर्वाचन आयोग.

HIGH COURT OF CHHATTISGARH, BILASPUR

(Single Bench : Hon'ble Shri Sunil Kumar Sinha, J)

Election Petition No. 09 of 2009

PETITIONER : Padam Nanda S/o Ganga, aged 45 years, permanent resident of village Polampalli, present residence : Salwa Judum Camp, Dornapal, Tahsil Sukma, District-Dantewada.

VERSUS

RESPONDENTS :

1. Lakhma Kawasi S/o Shri Hadma, aged about 45-50 years, resident of village : Nagaras, Post Office Sona Kukanar, Tahsil : Sukma South Bastar, District Dantewada (C.G.)
2. Rama Sodi S/o Kosa, aged 40 years, resident of village: Munga, Post office : Korra, Tahsil : Sukma, District: Dantewada.
3. Kartam Hungaram S/o Madaram Kartami, aged 45 years, resident of village : Udlatarai, Post Office : Pakela, Tahsil : Sukma, District Dantewada.
4. The Election Commission of India, Nirwachan Sadan, New Delhi.
5. The Election Commission of Chhattisgarh, Raipur

AND

Election Petition No. 03 of 2009

PETITIONER : Kichche Joga, son of Shri Hidma, aged about 38 years residing in Salwa Judum Relief Camp, Dornapal, Tehsil Sukma, District Dantewada (C.G.)

VERSUS

RESPONDENTS :

1. Lakhma Kawasi S/o Shri Hadma, aged about 45-50 years, resident of village : Nagaras, Post Office Sona Kukanar, Tahsil : Sukma, South Bastar, District-Dantewada (C.G.)

2. The Returning Officer, 90-Konta Legislative Assembly, Konta, District South Bastar, Dantewada (C.G.)

(Election Petitions under Section 80, 80A and 81 of the Representation of People Act, 1951)

Appearance :

Mr. B. P. Sharma, Mr. Sameer Urao and Mr. Manish Thakur, Advocates for the Petitioners.

Mr. S. C. Verma, Advocate for Respondent No. 1.

JUDGMENT
(21-01-2014)

Sunil Kumar Sinha, J.

(1) These 2 Election Petitions challenge the election of first respondent from Constituency No. 90 i.e. Konta, in Assembly Elections 2008 on identical grounds, therefore, they are being disposed of by this common judgment.

The Facts :

(2) The first respondent and 3 other candidates contested Assembly Elections, 2008 of Chhattisgarh Legislative Assembly from Constituency No. 90 i.e. Konta Constituency. Polling took place on 14-11-2008 and the result was declared on 8-12-2008. The first respondent was elected by a margin of 192 votes. He was a candidate of Indian National Congress. The petitioner in Election Petition No. 03/2009 was an electorate and his name finds place in voter list of Konta Constituency, whereas, the petitioner in Election Petition No. 09/2009 was a candidate of Bhartiya Janta Party. He polled 21438 votes and the first respondent polled 21630 votes.

(3) The petitioners have taken the grounds that many voters of Constituency No. 90, who were residing in Salwa Judum Camps, were deliberately not allowed by the State Authorities to cast their votes. Their Photo Identity Cards were deliberately not distributed by the State Authorities in connivance with respondent No. 1. The nomination of respondent No. 1 was improperly accepted as details of property of his family was not given and he had not furnished information regarding pendency of criminal cases. It was also alleged that irregularities were committed at the time of counting of votes of Polling Booth Ncs. 50 & 56 and Government Machinery was used by respondent No. 1, and the State Authorities had assisted him in winning the election. They also took the ground that correct expenditure incurred by respondent No. 1 was not declared and it was over and above the limit fixed.

(4) Respondent No. 1 has filed his written statement(s) and denied the above allegations.

(5) Separate issues were framed in both the Election Petitions. They are as under :—

Issue framed in Election Petition No. 03 of 2009:

1. Whether the petitioner and thousands of other persons (votes of Konta Constituency No. 90) residing in Salwa Judum Camps were deliberately not allowed by the State Authorities to cast their votes ? If Yes, its effect ?

2. Whether the nominations of respondent No. 1 was improperly accepted ?

3. Whether the irregularities were committed at the time of counting of votes of Polling Booth No. 56 ? If Yes, its effect ?

4. Whether for furtherance of the prospects of election of respondent No. 1, assistance of the Government Machinery was obtained making his election void ?

5. Whether the expenses incurred by the returned candidate is over and above the limit fixed ? If Yes, its effect ?

6. Reliefs & Costs ?

Issues framed in Election Petition No. 09/2009:

1. Whether about 1500 votes of Konta Constituency No. 90 residing in Salwa Judum Camps were deliberately not allowed by the State Authorities to cast their votes ? If Yes, its effect ?

2. Whether the Photo Identity Cards were deliberatey not distributed by the State Authorities to about 2000 voters, in connivance with respondent No. 1.

3. Whether irregularities were committed at the time of counting of votes of Polling Booth Nos. 50 & 56 ? If Yes, its effect ?

4. Whether for furtherance of the prospects of election of respondent No. 1, assistance of the Government Machinery was abtained making his election void.?

5. Whether the correct expenditure incurred by respondent No. 1 was not declared ? If Yes, its effect ?

6. Reliefs & Costs ?

(6) Since the grounds taken in both the Election Petitions were almost identical, learned counsel for both the parties agreed to record consolidated evidence in both the Election Petitions, which was ordered by this Court on 06-02-2013.

(7) The petitioners' examined Sunil Kumar Kujur (PW-1), Omprakash Choudhary (PW-2), Kichche Joga (PW-3-petitioner in E. P. No. 03 of 2009), Manoj Dev (PW-4), Padam Nanda (PW-5-Petitioner in E.P. No. 09 of 2009) and Rajat Kumar (PW-6).

(8) Respondent No. 1 examined himself as DW-1 and he also examined Jagannath Sahu (DW-2), Manoj Chaurasiya (DW-3) & Rohit Pandey (DW-4) in support of his contention.

(9) We have heard counsel for the parties.

Discussion on the Issues relating to Corrupt Practices :

(10) Mr. B. P. Sharma, learned counsel appearing on behalf of the petitioners, first contended that the voters residing in Salwa Judum Camps were deliberately not allowed by the State Authorities to cast their votes. In fact, their photo identity cards were deliberately not distributed by the State Authorites, which act they did in connivance with respondent No. 1. Issue No. 1 in E.P. No. 03/2009 and issues Nos. 1 & 2 in E. P. No. 09/2009 have been framed in this regard. Many circulars in relation to distribution of photo identity cards have been brought on record which show that proper instructions were issued by the Election Commission to the concerned authorities for distribution of the voter identity cards and permitting the voters of Salwa Judum Camps to cast their votes on certain other identity proofs if the voter identity card was not available with them, but it does not come in the evidence that the voter identity cards were deliberately not distributed to the voters of Salwa Judum Camps or if they were holding other proofs, even then they were not permitted to cast their votes. The evidence brought on record in this regard is vague and general.

(11) Kichche Joga (PW-3) has deposed in Para-3 of his evidence that he and his family member were not having voter identity cards, therefore, they could not cost their votes. They had gone to the Polling Booth along with Rason cards, but the officers present there did not allow them to cast their votes on the basis of their Rason cards. He added that about 5000 persons were not allowed to cast their votes in the above manner.

(12) Kichche Joga (PW-3) did not disclose the names of those voters who have not been allowed to cast their votes. Even he did not mention the name of any one of them. He also did not mention the particulars of the Polling Booths on which such incidents had taken place. Even he did not mention the names/designation or any

other identification of the concerned authorities who did not permit the voters, who were holding Rason cards, to cast their votes. We further note that there were many Polling Booths. Thus Kichche Joga (PW-3) may not be having knowledge of all the Polling Booths and in absence of material particulars, it appears, that he has given number of such voters on imagination.

(13) That apart, the allegations are made that the voter identity cards were deliberately not distributed by the State Authorities and it was done in connivance with respondent No. 1. We find that no material particulars have been broutht on record in this regard. The names of the State Authorities have not been stated either in pleadings or in the evidence of petitioner's witnesses. Lakhma Kawasi (DW-1) has denied these allegations and has deposed in clear words that at that time there was BJP Government in the State and Dr. Raman Singh was the Chief Minister. Lakhma Kawasi (DW-1) was a candidate of Indian National Congress. He has stated that as per his knowledge, no irregularities were committed in his election.

(14) In Gajanan Krishnaji Bapat and another - Vs - Dattaji Raghobaji Meghe and others, AIR 1995 SC 2284, it was held that "In the case of an election petition, based on allegations of commission of corrupt practice, the standard of proof is generally speaking that of criminal trials, which requires strict proof of the charge beyond a reasonable doubt and the burden of proof is on the petitioner and that burden does not shift. This proposition, however, does not mean or imply that the returned candidate is absolved from his liability to bring forth evidence on the record to rebut the case of the petitioner and to particularly prove such facts which are within his special knowledge. Though, the nature of allegations in cases alleging corrupt practices are quasi-criminal and the burden is heavy on him who assails an election but unlike in a criminal trial, where an accused has the liberty to keep silent, during the trial of an election petition the returned candidate has to place before the Court his version and to satisfy the Court that he had not committed the corrupt practice as alleged in the petition and wherever necessary by adducing evidence besides giving his sworn testimony denying the allegations. However, this stage reaches if and when the election petitioner leads cogent and reliable evidence to prove the charges leveled against the returned candidate as, only then, can it be said that the former has discharged his burden. The election petitioner has to establish the charge by proof beyond reasonable doubt and not merely by preponderance of probabilities as in civil action."

(15) In the instant case, though the allegations of corrupt practices have been made, but they have not been proved on the standard laid down for proving a fact in issue relaing to corrupt practice. The pleadings in this regard are vague and material particulars are not there. The evidence is also vague and general. In such a situation these issues cannot be held as proved.

(16) Issue No. 4 in both the Election Petitions also relate to allegations of corrupt practice. Though a plea was taken that respondent No. 1 had taken assistance of the government machinery, but the election petitions are lacking in material particulars in this regard also. In Azhar Hussain - Vs - Rajiv Gandhi 1986 (Supp) SCC 315, the allegations were relating to obtaining assistance from the person in service of the Government. In the said case averments made in the petition did not show who had obtained or procured assistance from the person in service of the State; how the assistance was procured; how it was said that it was with the consent of the returned candidate or his election agents. the Supreme Court held that the pleadings in this regard were vague. Unless the particulars with reference to Section 83 are there it can not be said that the petition disclosed a cause of action in regard to the corrupt practices with the assistance of the Government authorities. It was held that in absence of material facts and particulars, the Court could not have rendered a verdict in favour of the election petitioner, in case, the returned candidate had not appeared to oppose the election petition. The Supreme Court further held that no amount of evidence could cure the basic defect in the pleading and the pleadings as it stood must be construed as one disclosing no cause of action.

(17) In the instant case also, there is no material to show as to who had obtained or procured assistance from the person in service of the State; how the assistance was procured; how it was said that it was with the consent of respondent No. 1 or his election agents. The pleadings in this regard are vague. We have already stated that there are no particulars with reference to Section 83. The petitioner in E.P. No. 09/2009 was a candidate of Bhartiya Janta Party (BJP) and respondent No. 1 was a candidate of Indian National Congress. At the relevant time, there was BJP Government in the State. Thus unless there is sufficient material to show, ordinarily, it does not appear to be reasonable that the officers and authorities of the BJP Government would assist a candidate of Indian National Congress. Thus, the petitioners have utterly failed to prove these issues in their favour.

(18) Issue Nos. 5 in both the Election Petitions relate to non-disclosure of correct expenditure incurred by respondent No. 1 and that the expenditure incurred were over and above the limit fixed.

(19) In E. P. No. 03/2009, it has been contended that Mr. Ajit Jogi had visited Sukma for propagating to elect respondent No. 1 and in this regard a political rally was organized by respondent No. 1 on 10-11-2008. A huge amount has incurred on it and respondent No. 1 was asked to pay the expenditure for making heliped. The allegations are made that details of all these expenditure are not mentioned by respondent No. 1. In E.P. No. 09/2009, the petitioner has pleaded that respondent No. 1 has submitted false account of his expenditure because he had not added expenditure incurred upon visit of Mr. Rahul Gandhi, General Secretary of Indian National Congress, who visited Jagdalpur on 10-11-2008 for election campaign of respondent No. 1. This had incurred an expenditure of Rs. 50 lakhs which was liable to be included in the election expenditure of respondent No. 1. It was thus pleaded that on the one hand correct expenditure incurred by respondent No. 1 were not shown and on the other hand the expenditure incurred by him were more than limits fixed.

(20) Section 77 (3) of the Representation of People Act 1951 (the Act) mandates that the total of the expenditure in connection with the election shall not exceed the prescribed limit and therefore the provisions of S. 123 (6) of the Act are related only to S. 77 (3) of the Act. If a candidate incurs or authorizes expenditure in excess of the prescribed limits, he commits the corrupt practice under S. 123 (6) of the Act and his election is liable to be set aside and he also incurs the disqualification of being debarred from contesting the next election. From a plain reading of Ss. 123 (6) and 77 including Explanation I to the S. 77 of the Act, it is therefore clear that in order to be a corrupt practice, the excessive expenditure must be incurred or authrized by the candidate or his election agent. An expenditure incurred by a third person, which is not authorized by the candidate or his election agent is not a corrupt practice **(Vide : Gajanan Krishnaji Bapat supra)**.

(21) In the instant case, respondent No. 1, in Para-7 of his cross examination, has clearly deposed that he had not called Mr. Ajit Jogi for his election campaign. At one place his election meeting was going on. He had also gone to the meeting because he was called.

(22) Except the bald statements of petitioners (PW-3 & PW-5) in their Election Petitions, there is no other evidence to show that Mr. Ajit Jogi was called by helicopter by respondent No. 1 for his election campaign. It was argued that a letter granting permission (Ex.-P/21) by Sub-Divisional Officer for landing of the helicopter of Mr. Ajit Jogi was issued on the name of respondent No. 1, therefore, it should be held that respondent No. 1 had called Mr. Ajit Jogi and the expenditure incurred for visit of Mr. Ajit Jogi should have been accounted in the election expenditure of respondent No. 1. I have gone through the latter (Ex.-P/21), it does not reveal from the said letter that either Mr. Ajit Jogi was called by respondent No. 1 or he was authorized by him for canvassing in his election by holding the said meeting. There is no proof that the expenditure for landing of the helicopter of Mr. Ajit Jogi was incurred or authorized by respondent No. 1 or his election agent. As held in Gajanan Krishnaji Bapat (Supra) an expenditure incurred by third persons, who is not authorized by a candidate or his election agent in not a corrupt practice. That apart only bald statements of the petitioner(s) in this regard would not be sufficient in terms of Section 83 of the Act. The requirement is that the petitioner(s) must disclose the source of their information in the election petitions. The election petition(s) and the evidence of the petitioner(s) (PW-3 & PW-5) are lacking in these particulars and the evidence led in that behalf is insufficient and vague. Proof of corrupt practice has a serious consequence. Therefore, strict rule of pleading and proof is required and the standard of proof also is required like a criminal trial.

(23) About the visit of Mr. Rahul Gandhi, though a plea has been taken in Paras-9.i to 9.v in E.P. No. 09/2009 filed by Padam Nanda (PW-5), but no iota of evidence has been led in this regard. There is absolutely no material to substantiate the said plea. Moreover, as contained in the said Election Petition (09/2009), Rahul Gandhi had visited Jagdalpur which does not fall within the Konta Assembly Constituency. In light of the above discussion, the above issues, (Issue No. 5 in both the Eelction Petitions) are held as not proved.

Discussion on the other Issues :

(24) The tenure of the election under challenge has already been completed and fresh elections have taken place during the pendency of the election petitions, therefore, these issues now may not carry much importance.

(25) The petitioner in Election Petition No. 03/2009 has contended that the nomination of respondent No. 1 was improperly accepted (Issue No. 2 in E.P. No. 03/2009). According to him, respondent No. 1 has suppressed the fact of pendency of a criminal case. He did not give details of the properties owned by his sons namely- Kawasi Harish and Kawasi Bonkeram. Respondent No. 1 (DW-1) has deposed on oath, in Para-5, that no

criminal case was pending against him at the time of submission of the nomination. He added that simply a F.I.R. was registered whose description was given by him. He admitted vide Para-6 that he has two sons namely-Kawasi Harish and Kawasi Bonkeram, but they were major and residing separately. He has no knowledge about the properties owned by them. The column of declaration would show that respondent No. 1 has declared his own assets and the assets of his wife and had put cross marks in the columns of immovable properties of the dependents. Thus if landed properties were held by the above two sons of respondent No. 1, in absence of proof that they were dependents or the properties were acquired by respondent No. 1, it cannot be hald on this ground that material facts were suppressed and the nomination paper of respondent No. 1 was improperly accepted.

(26) It was also contended that irregularities were committed at the time of counting of votes and Polling Booth Nos. 50 & 56 (Issue No. 3 in both the Eelction Petitions). If was contended in E.P. No. 03/2009 that in Polling Booth No. 56, there was discrepancy in documents of total votes cast in EVM and total votes shown to have been cast. In E.P. No. 09/2009 some more details have been given about Polling Booth No. 56 and there are also allegations in regard to Polling Booth No. 50. The petitioner(s) have not proved all these allegations by adducing proper and admissible evidence in this regard. Kichche Joga (PW-3-petitioner in E.P. No. 03/2009) has simply deposed in Para-12 of his affidavit filed under Order 18 Rule 4 C.P.C. that irregularities were committed in Polling Booth No. 56. This is the only evidence led by him in this behalf. Padam Nanda (PW-5-petitioner in E.P. No. 09/2009) has also deposed exactly in similar fashion in Para-11 of his affidavit filed under Order 18 Rule 4 C.P.C. that irregularities were committed during the election in Polling Booth No. 56. The above paragraphs of their affidavits are exactly identical, which we quote:

"यह कि निर्वाचन के दौरान भी पुलिंग बुथ नं. 56 में अनुचित रूप से गणना इत्यादि की गई जिसके कारण जनता का सही प्रति निधित्व नहीं हुआ."

Except the above bald statements of the two election petitioners (PW-3 & PW-5), there is nothing on record to hold that irregularities were committed either at the time of polling or at the time of counting of votes of Polling Booth Nos. 50 & 56. Thus the above issues were also not proved.

Conclusion:

(27) For the foregoing reasons, I do not find any substance in the Election Petitions. The same are liable to be and are accordingly dismissed.

(28) No order(s) as to cost(s).

Sd/-
Sunil Kumar Sinha
Judge.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

New Delhi, Dated 20th February 2014—1 Phalguna, 1935 (Saka)

No. 82/CG-LA/(9/2009)/2014.— In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby published Order dated the 21st January, 2014 of the High Court of Chhattisgarh Bilaspur in Election Petition No. 9 of 2009 and 3/2009.

By order,

Sd/-
(R. K. SRIVASTAVA)
Pr. Secretary
Election Commission of India.

HIGH COURT OF CHHATTISGARH, BILASPUR

(Single Bench : Hon'ble Shri Sunil Kumar Sinha, J)

Election Petition No. 09 of 2009

PETITIONER : Padam Nanda S/o Ganga, aged 45 years, permanent resident of village Polampalli, present residence : Salwa Judum Camp, Dornapal, Tahsil Sukma, District-Dantewada.

VERSUS

RESPONDENTS :

1. Lakhma Kawasi S/o Shri Hadma, aged about 45-50 years, resident of village : Nagaras, Post Office Sona Kukanar, Tahsil : Sukma South Bastar, District Dantewada (C.G.)
2. Rama Sodi S/o Kosa, aged 40 years, resident of village: Munga, Post office : Korra, Tahsil : Sukma, District: Dantewada.
3. Kartam Hungaram S/o Madaram Kartami, aged 45 years, resident of village : Udlatarai, Post Office : Pakela, Tahsil : Sukma, District Dantewada.
4. The Election Commission of India, Nirwachan Sadan, New Delhi.
5. The Election Commission of Chhattisgarh, Raipur

AND

Election Petition No. 03 of 2009

PETITIONER : Kichche Joga, son of Shri Hidma, aged about 38 years residing in Salwa Judum Relief Camp, Dornapal, Tehsil Sukma, District Dantewada (C.G.)

VERSUS

RESPONDENTS :

1. Lakhma Kawasi S/o Shri Hadma, aged about 45-50 years, resident of village : Nagaras, Post Office Sona Kukanar, Tahsil : Sukma, South Bastar, District-Dantewada (C.G.)

2. The Returning Officer, 90-Konta Legislative Assembly, Konta, District South Bastar, Dantewada (C.G.)

(Election Petitions under Section 80, 80A and 81 of the Representation of People Act, 1951)

Appearance :

Mr. B. P. Sharma, Mr. Sameer Urao and Mr. Manish Thakur, Advocates for the Petitioners.

Mr. S. C. Verma, Advocate for Respondent No. 1.

JUDGMENT

(21-01-2014)

Sunil Kumar Sinha, J.

(1) These 2 Election Petitions challenge the election of first respondent from Constituency No. 90 i.e. Konta, in Assembly Elections 2008 on identical grounds, therefore, they are being disposed of by this common judgment.

The Facts :

(2) The first respondent and 3 other candidates contested Assembly Elections, 2008 of Chhattisgarh Legislative Assembly from Constituency No. 90 i.e. Konta Constituency. Polling took place on 14-11-2008 and the result was declared on 8-12-2008. The first respondent was elected by a margin of 192 votes. He was a candidate of Indian National Congress. The petitioner in Election Petition No. 03/2009 was an electorate and his name finds place in voter list of Konta Constituency, whereas, the petitioner in Election Petition No. 09/2009 was a candidate of Bhartiya Janta Party. He polled 21438 votes and the first respondent polled 21630 votes.

(3) The petitioners have taken the grounds that many voters of Constituency No. 90, who were residing in Salwa Judum Camps, were deliberately not allowed by the State Authorities to cast their votes. Their Photo Identity Cards were deliberately not distributed by the State Authorities in connivance with respondent No. 1. The nomination of respondent No. 1 was improperly accepted as details of property of his family was not given and he had not furnished information regarding pendency of criminal cases. It was also alleged that irregularities were committed at the time of counting of votes of Polling Booth Nos. 50 & 56 and Government Machinery was used by respondent No. 1, and the State Authorities had assisted him in winning the election. They also took the ground that correct expenditure incurred by respondent No. 1 was not declared and it was over and above the limit fixed.

(4) Respondent No. 1 has filed his written statement(s) and denied the above allegations.

(5) Separate issues were framed in both the Election Petitions. They are as under :—

Issue framed in Election Petition No. 03 of 2009:

1. Whether the petitioner and thousands of other persons (votes of Konta Constituency No. 90) residing in Salwa Judum Camps, were deliberately not allowed by the State Authorities to cast their votes ? If Yes, its effect ?

2. Whether the nominations of respondent No. 1 was improperly accepted ?

3. Whether the irregularities were committed at the time of counting of votes of Polling Booth No. 56 ? If Yes, its effect ?

4. Whether for furtherance of the prospects of election of respondent No. 1, assistance of the Government Machinery was obtained making his election void ?

5. Whether the expenses incurred by the returned candidate is over and above the limit fixed ? If Yes, its effect ?

6. Reliefs & Costs ?

Issues framed in Election Petition No. 09/2009:

1. Whether about 1500 votes of Konta Constituency No. 90 residing in Salwa Judum Camps were deliberately not allowed by the State Authorities to cast their votes ? If Yes, its effect ?

2. Whether the Photo Identity Cards were deliberatey not distributed by the State Authorities to about 2000 voters, in connivance with respondent No. 1.

3. Whether irregularities were committed at the time of counting of votes of Polling Booth Nos. 50 & 56 ? If Yes, its effect ?

4. Whether for furtherance of the prospects of election of respondent No. 1, assistance of the Government Machinery was abtained making his election void ?

5. Whether the correct expenditure incurred by respondent No. 1 was not declared ? If Yes, its effect ?

6. Reliefs & Costs ?

(6) Since the grounds taken in both the Election Petitions were almost identical, learned counsel for both the parties agreed to record consolidated evidence in both the Election Petitions, which was ordered by this Court on 06-02-2013.

(7) The petitioners' examined Sunil Kumar Kujur (PW-1), Omprakash Choudhary (PW-2), Kichche Joga (PW-3-petitioner in E. P. No. 03 of 2009), Manoj Dev (PW-4), Padam Nanda (PW-5-Petitioner in E.P. No. 09 of 2009) and Rajat Kumar (PW-6).

(8) Respondent No. 1 examined himself as DW-1 and he also examined Jagannath Sahu (DW-2), Manoj Chaurasiya (DW-3) & Rohit Pandey (DW-4) in support of his contention.

(9) We have heard counsel for the parties.

Discussion on the Issues relating to Corrupt Practices :

(10) Mr. B. P. Sharma, learned counsel appearing on behalf of the petitioners, first contended that the voters residing in Salwa Judum Camps were deliberately not allowed by the State Authorities to cast their votes. In fact, their photo identity cards were deliberately not distributed by the State Authorites, which act they did in connivance with respondent No. 1. Issue No. 1 in E.P. No. 03/2009 and issues Nos. 1 & 2 in E. P. No. 09/2009 have been framed in this regard. Many circulars in relation to distribution of photo identity cards have been brought on record which show that proper instructions were issued by the Election Commission to the concerned authorities for distribution of the voter identity cards and permitting the voters of Salwa Judum Camps to cast their votes on certain other identity proofs if the voter identity card was not available with them, but it does not come in the evidence that the voter identity cards were deliberately not distributed to the voters of Salwa Judum Camps or if they were holding other proofs, even then they were not permitted to cast their votes. The evidence brought on record in this regard is vague and general.

(11) Kichche Joga (PW-3) has deposed in Para-3 of his evidence that he and his family member were not having voter identity cards, therefore, they could not cost their votes. They had gone to the Polling Booth along with Rason cards, but the officers present there did not allow them to cast their votes on the basis of their Rason cards. He added that about 5000 persons were not allowed to cast their votes in the above manner.

(12) Kichche Joga (PW-3) did not disclose the names of those voters who have not been allowed to cast their votes. Even he did not mention the name of any one of them. He also did not mention the particulars of the Polling Booths on which such incidents had taken place. Even he did not mention the names/designation or any

other identification of the concerned authorities who did not permit the voters, who were holding Rason cards, to cast their votes. We further note that there were many Polling Booths. Thus Kichche Joga (PW-3) may not be having knowledge of all the Polling Booths and in absence of material particulars, it appears, that he has given number of such voters on imagination.

(13) That apart, the allegations are made that the voter identity cards were deliberately not distributed by the State Authorities and it was done in connivance with respondent No. 1. We find that no material particulars have been broutht on record in this regard. The names of the State Authorities have not been stated either in pleadings or in the evidence of petitioner's witnesses. Lakhma Kawasi (DW-1) has denied these allegations and has deposed in clear words that at that time there was BJP Government in the State and Dr. Raman Singh was the Chief Minister. Lakhma Kawasi (DW-1) was a candidate of Indian National Congress. He has stated that as per his knowledge, no irregularities were committed in his election.

(14) In Gajanan Krishnaji Bapat and another - Vs - Dattaji Raghobaji Meghe and others, AIR 1995 SC 2284, it was held that "In the case of an election petition, based on allegations of commission of corrupt practice, the standard of proof is generally speaking that of criminal trials, which requires strict proof of the charge beyond a reasonable doubt and the burden of proof is on the petitioner and that burden does not shift. This proposition, however, does not mean or imply that the returned candidate is absolved from his liability to bring forth evidence on the record to rebut the case of the petitioner and to particularly prove such facts which are within his special knowledge. Though, the nature of allegations in cases alleging corrupt practices are quasi-criminal and the burden is heavy on him who assails an election but unlike in a criminal trial, where an accused has the liberty to keep silent, during the trial of an election petition the returned candidate has to place before the Court his version and to satisfy the Court that he had not committed the corrupt practice as alleged in the petition and wherever necessary by adducing evidence besides giving his sworn testimony denying the allegations. However, this stage reaches if and when the election petitioner leads cogent and reliable evidence to prove the charges leveled against the returned candidate as, only then, can it be said that the former has discharged his burden. The election petitioner has to establish the charge by proof beyond reasonable doubt and not merely by preponderance of probabilities as in civil action."

(15) In the instant case, though the allegations of corrupt practices have been made, but they have not been proved on the standard laid down for proving a fact in issue relaing to corrupt practice. The pleadings in this regard are vague and material particulars are not there. The evidence is also vague and general. In such a situation these issues cannot be held as proved.

(16) Issue No. 4 in both the Election Petitions also relate to allegations of corrupt practice. Though a plea was taken that respondent No. 1 had taken assistance of the government machinery, but the election petitions are lacking in material particulars in this regard also. In Azhar Hussain - Vs - Rajiv Gandhi 1986 (Supp) SCC 315, the allegations were relating to obtaining assistance from the person in service of the Government. In the said case averments made in the petition did not show who had obtained or procured assistance from the person in service of the State; how the assistance was procured; how it was said that it was with the consent of the returned candidate or his election agents. the Supreme Court held that the pleadings in this regard were vague. Unless the particulars with reference to Section 83 are there it can not be said that the petition disclosed a cause of action in regard to the corrupt practices with the assistance of the Government authorities. It was held that in absence of material facts and particulars, the Court could not have rendered a verdict in favour of the election petitioner, in case, the returned candidate had not appeared to oppose the election petition. The Supreme Court further held that no amount of evidence could cure the basic defect in the pleading and the pleadings as it stood must be construed as one disclosing no cause of action.

(17) In the instant case also, there is no material to show as to who had obtained or procured assistance from the person in service of the State; how the assistance was procured; how it was said that it was with the consent of respondent No. 1 or his election agents. The pleadings in this regard are vague. We have already stated that there are no particulars with reference to Section 83. The petitioner in E.P. No. 09/2009 was a candidate of Bhartiya Janta Party (BJP) and respondent No. 1 was a candidate of Indian National Congress. At the relevant time, there was BJP Government in the State. Thus unless there is sufficient material to show, ordinarily, it does not appear to be reasonable that the officers and authorities of the BJP Government would assist a candidate of Indian National Congress. Thus, the petitioners have utterly failed to prove these issues in their favour.

(18) Issue Nos. 5 in both the Election Petitions relate to non-disclosure of correct expenditure incurred by respondent No. 1 and that the expenditure incurred were over and above the limit fixed.

(19) In E. P. No. 03/2009, it has been contended that Mr. Ajit Jogi had visited Sukma for propagating to elect respondent No. 1 and in this regard a political rally was organized by respondent No. 1 on 10-11-2008. A huge amount has incurred on it and respondent No. 1 was asked to pay the expenditure for making heliped. The allegations are made that details of all these expenditure are not mentioned by respondent No. 1. In E.P. No. 09/2009, the petitioner has pleaded that respondent No. 1 has submitted false account of his expenditure because he had not added expenditure incurred upon visit of Mr. Rahul Gandhi, General Secretary of Indian National Congress, who visited Jagdalpur on 10-11-2008 for election campaign of respondent No. 1. This had incurred an expenditure of Rs. 50 lakhs which was liable to be included in the election expenditure of respondent No. 1. It was thus pleaded that on the one hand correct expenditure incurred by respondent No. 1 were not shown and on the other hand the expenditure incurred by him were more than limits fixed.

(20) Section 77 (3) of the Representation of People Act 1951 (the Act) mandates that the total of the expenditure in connection with the election shall not exceed the prescribed limit and therefore the provisions of S. 123 (6) of the Act are related only to S. 77 (3) of the Act. If a candidate incurs or authorizes expenditure in excess of the prescribed limits, he commits the corrupt practice under S. 123 (6) of the Act and his election is liable to be set aside and he also incurs the disqualification of being debarred from contesting the next election. From a plain reading of Ss. 123 (6) and 77 including Explanation I to the S. 77 of the Act, it is therefore clear that in order to be a corrupt practice, the excessive expenditure must be incurred or authrized by the candidate or his election agent. An expenditure incurred by a third person, which is not authorized by the candidate or his election agent is not a corrupt practice **(Vide : Gajanan Krishnaji Bapat supra)**.

(21) In the instant case, respondent No. 1, in Para-7 of his cross examination, has clearly deposed that he had not called Mr. Ajit Jogi for his election campaign. At one place his election meeting was going on. He had also gone to the meeting because he was called.

(22) Except the bald statements of petitioners (PW-3 & PW-5) in their Election Petitions, there is no other evidence to show that Mr. Ajit Jogi was called by helicopter by respondent No. 1 for his election campaign. It was argued that a letter granting permission (Ex.-P/21) by Sub-Divisional Officer for landing of the helicopter of Mr. Ajit Jogi was issued on the name of respondent No. 1, therefore, it should be held that respondent No. 1 had called Mr. Ajit Jogi and the expenditure incurred for visit of Mr. Ajit Jogi should have been accounted in the election expenditure of respondent No. 1. I have gone through the latter (Ex.-P/21), it does not reveal from the said letter that either Mr. Ajit Jogi was called by respondent No. 1 or he was authorized by him for canvassing in his election by holding the said meeting. There is no proof that the expenditure for landing of the helicopter of Mr. Ajit Jogi was incurred or authorized by respondent No. 1 or his election agent. As held in Gajanan Krishnaji Bapat (Supra) an expenditure incurred by third persons, who is not authorized by a candidate or his election agent in not a corrupt practice. That apart only bald statements of the petitioner(s) in this regard would not be sufficient in terms of Section 83 of the Act. The requirement is that the petitioner(s) must disclose the source of their information in the election petitions. The election petition(s) and the evidence of the petitioner(s) (PW-3 & PW-5) are lacking in these particulars and the evidence led in that behalf is insufficient and vague. Proof of corrupt practice has a serious consequence. Therefore, strict rule of pleading and proof is required and the standard of proof also is required like a criminal trial.

(23) About the visit of Mr. Rahul Gandhi, though a plea has been taken in Paras-9.i to 9.v in E.P. No. 09/2009 filed by Padam Nanda (PW-5), but no iota of evidence has been led in this regard. There is absolutely no material to substantiate the said plea. Moreover, as contained in the said Election Petition (09/2009), Rahul Gandhi had visited Jagdalpur which does not fall within the Konta Assembly Constituency. In light of the above discussion, the above issues, (Issue No. 5 in both the Eelction Petitions) are held as not proved.

Discussion on the other Issues :

(24) The tenure of the election under challenge has already been completed and fresh elections have taken place during the pendency of the election petitions, therefore, these issues now may not carry much importance.

(25) The petitioner in Election Petition No. 03/2009 has contended that the nomination of respondent No. 1 was improperly accepted (Issue No. 2 in E.P. No. 03/2009). According to him, respondent No. 1 has suppressed the fact of pendency of a criminal case. He did not give details of the properties owned by his sons namely-Kawasi Harish and Kawasi Bonkeram. Respondent No. 1 (DW-1) has deposed on oath, in Para-5, that no

criminal case was pending against him at the time of submission of the nomination. He added that simply a F.I.R. was registered whose description was given by him. He admitted vide Para-6 that he has two sons namely-Kawasi Harish and Kawasi Bonkeram, but they were major and residing separately. He has no knowledge about the properties owned by them. The column of declaration would show that respondent No. 1 has declared his own assets and the assets of his wife and had put cross marks in the columns of immovable properties of the dependents. Thus if landed properties were held by the above two sons of respondent No. 1, in absence of proof that they were dependents or the properties were acquired by respondent No. 1, it cannot be hald on this ground that material facts were suppressed and the nomination paper of respondent No. 1 was improperly accepted.

(26) It was also contended that irregularities were committed at the time of counting of votes and Polling Booth Nos. 50 & 56 (Issue No. 3 in both the Eelction Petitions). If was contended in E.P. No. 03/2009 that in Polling Booth No. 56, there was discrepancy in documents of total votes cast in EVM and total votes shown to have been cast. In E.P. No. 09/2009 some more details have been given about Polling Booth No. 56 and there are also allegations in regard to Polling Booth No. 50. The petitioner(s) have not proved all these allegations by adducing proper and admissible evidence in this regard. Kichche Joga (PW-3-petitioner in E.P. No. 03/2009) has simply deposed in Para-12 of his affidavit filed under Order 18 Rule 4 C.P.C. that irregularities were committed in Polling Booth No. 56. This is the only evidence led by him in this behalf. Padam Nanda (PW-5-petitioner in E.P. No. 09/2009) has also deposed exactly in similar fashion in Para-11 of his affidavit filed under Order 18 Rule 4 C.P.C. that irregularities were committed during the election in Polling Booth No. 56. The above paragraphs of their affidavits are exactly identical, which we quote:

"यह कि निर्वाचन के दौरान भी पुलिंग बुथ नं. 56 में अनुचित रूप से गणना इत्यादि की गई जिसके कारण जनता का सही प्रति निधित्व नहीं हुआ."

Except the above bald statements of the two election petitioners (PW-3 & PW-5), there is nothing on record to hold that irregularities were committed either at the time of polling or at the time of counting of votes of Polling Booth Nos. 50 & 56. Thus the above issues were also not proved.

Conclusion:

(27) For the foregoing reasons, I do not find any substance in the Election Petitions. The same are liable to be and are accordingly dismissed.

(28) No order(s) as to cost(s).

Sd/-
Sunil Kumar Sinha
Judge.